

Message

From: Flanagan, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA2314297B644E8181A691E2333CD488-FLANAGAN, SARAH]
Sent: 10/7/2015 4:13:38 PM
To: Mugdan, Walter [Mugdan.Walter@epa.gov]; Yeh, Alice [Yeh.Alice@epa.gov]
CC: Vaughn, Stephanie [Vaughn.Stephanie@epa.gov]; Kluesner, Dave [kluesner.dave@epa.gov]; Tsiamis, Christos [Tsiamis.Christos@epa.gov]; Carr, Brian [Carr.Brian@epa.gov]; Loney, Natalie [Loney.Natalie@epa.gov]
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

I discussed with Alice and we are interpreting this to mean next Friday.

From: Mugdan, Walter
Sent: Wednesday, October 07, 2015 12:12 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>
Cc: Vaughn, Stephanie <Vaughn.Stephanie@epa.gov>; Kluesner, Dave <kluesner.dave@epa.gov>; Tsiamis, Christos <Tsiamis.Christos@epa.gov>; Carr, Brian <Carr.Brian@epa.gov>; Loney, Natalie <Loney.Natalie@epa.gov>
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Date for document production was not specified – merely that they would like to have the documents by next week.

From: Flanagan, Sarah
Sent: Wednesday, October 07, 2015 11:42 AM
To: Yeh, Alice; Mugdan, Walter
Cc: Vaughn, Stephanie; Kluesner, Dave
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

What day? I need to know if I have to cancel or move things around to deal with this.

From: Yeh, Alice
Sent: Wednesday, October 07, 2015 11:40 AM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>
Cc: Vaughn, Stephanie <Vaughn.Stephanie@epa.gov>; Kluesner, Dave <kluesner.dave@epa.gov>
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

I'm afraid that one of Walter's e-mails answered that – documents are due to GAO next week.

From: Flanagan, Sarah
Sent: Wednesday, October 07, 2015 11:39 AM
To: Yeh, Alice; Mugdan, Walter
Cc: Vaughn, Stephanie; Kluesner, Dave
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Also, I would really like to know the deadline for providing info, since some work is needed to get the documents ready. I don't see anything in the email from GAO.

From: Yeh, Alice
Sent: Wednesday, October 07, 2015 11:16 AM
To: Mugdan, Walter <Mugdan.Walter@epa.gov>
Cc: Vaughn, Stephanie <Vaughn.Stephanie@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Kluesner, Dave

<kluesner.dave@epa.gov>

Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

I may have missed it, but did you get a chance to clarify the document request for the Passaic? You were going to explain that we have not had communications with NRRB/CSTAG groups after the formal NRRB-CSTAG meeting. Communications have been with the chairs specifically. Therefore we will not be providing anything in response to their request --

"In addition, we have a copy of the comments on the Proposed Plan from NRRB and CSTAG dated April 11, 2014, and the Region's response to this memo also dated April 11, 2014, but if there have been additional communications between these groups and the Region we would also like to request those documents."

From: Mugdan, Walter

Sent: Wednesday, October 07, 2015 10:11 AM

To: Tsiamis, Christos; Loney, Natalie; Carr, Brian; Yeh, Alice; Vaughn, Stephanie; Flanagan, Sarah; Kluesner, Dave

Cc: Tomchuk, Doug

Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

I had a conference call with the GAO folks last evening. They are happy with the proposed agenda we developed yesterday. They agreed with our suggestion that we try to add to the agenda meetings with representatives from the Passaic and Gowanus CAGs. (There are three open slots in the agenda, which could be used for these two meetings.) I suggest that Dave and Natalie reach out to the CAGs and ask for representatives. In the case of the Passaic, the likely candidates would be one or both co-chairs. For the Gowanus this may be more difficult, because there are no chairpersons. The GAO folks would rather not meet with a large group -- 2-3-4 people would be optimum.

They will reach out to the PRP representatives whose contact info we provided, and they will schedule meetings/conference calls with them.

For the purpose of logistics, they will have three members of their delegation. That should guide us in deciding on how many cars are needed if cars are being used to go to either site. (I assume subway to Gowanus, but perhaps cars to Passaic because they will indeed leave from the Newark train station after the tour, and so they will have their luggage with them.)

From: Mugdan, Walter

Sent: Tuesday, October 06, 2015 4:16 PM

To: Tsiamis, Christos; Loney, Natalie; Carr, Brian; Yeh, Alice; Vaughn, Stephanie; Flanagan, Sarah; Kluesner, Dave

Cc: Tomchuk, Doug

Subject: FW: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

FYI, see below and attached. In a separate email I will send you the questions GAO asked us a few weeks ago, and the initial answers drafted by Doug Tomchuk.

From: Mugdan, Walter

Sent: Tuesday, October 06, 2015 4:13 PM

To: 'Ryan, Emily M'

Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E

Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Dear Emily,

Attached is a proposed schedule for your visit. Perhaps we can speak by telephone to go over the proposal and discuss any adjustments.

I have a couple of follow-up questions and comments:

- You asked to speak with the RPM for the Lower Passaic River. The Lower Passaic River (LPR) is further divided into two elements: the full 17-mile stretch of the LPR, from its mouth at Newark Bay upstream to Dundee Dam; and the lower 8 miles of the LPR, the subject of EPA's proposed cleanup plan issued on April 11, 2014. The PRPs are carrying out the Remedial Investigation and Feasibility Study for the full 17-mile stretch of the LPR; EPA carried out a Focused Feasibility Study on the lower 8 miles of the LPR. Alice Yeh is the RPM for the lower 8 miles of the LPR, and Stephanie Vaughn is the RPM for the 17-mile RI/FS work that is underway. The attached draft schedule assumes that both Alice and Stephanie will attend the RPM meeting, but if you are interested in speaking with only one of them please let us know.
- Christos Tsiamis is the RPM for the Gowanus Canal, and Natalie Loney is the Community Involvement Coordinator (CIC). David Kluesner is the CIC for the Passaic River. You'll find their names on the agenda.
- Our RPMs work very closely with the regional site attorney; this is particularly true for the Gowanus and Passaic sites. We thought it might be useful if the site attorney joins your meetings with the Gowanus and Passaic RPMs. Is this OK with you? Brian Carr is the site attorney for Gowanus; Sarah Flanagan is the site attorney for Passaic.
- We are proposing the site tour for the Gowanus on the morning of October 21. It is a relatively short subway ride from our offices at 290 Broadway in Manhattan. We would plan to meet at the office.
- We are proposing the site tour for the Passaic take place on the morning of October 22. Again, we would meet at the office. The tour will be centered on the location of the old Diamond Alkali factory, the source of much of the dioxin in the Passaic. The location is 80 Lister Avenue, immediately adjacent to the Passaic River, in the heart of the Ironbound section of Newark. We will probably arrange to go there by government car. How many individuals do you expect there will be in your delegation?
- This Passaic tour location is just a few blocks away from the Newark AMTRAK station. If you plan to travel back to DC by train, this will be very convenient.
- We are reaching out to the PRP representatives, as discussed. The names and contact information for the folks we suggest you speak with are on the draft agenda. The draft schedule includes some open slots where these meetings (or phone calls) could occur, but you can perhaps also schedule those calls at a completely different time if more convenient for you.
- We respectfully suggest that you may also wish to speak with representatives of the Community Advisory Groups (CAGs) for the Gowanus and Passaic sites. These are two of the most active and engaged and well informed CAGs among all our sites, and we are confident that each would be willing to provide representatives if you decide that such a conversation would be useful to you.

Perhaps we can speak later today or sometime tomorrow about the proposed schedule. I will be out of town Thursday and Friday of this week, and next Monday is a holiday, so it may make sense to try to button down most of the agenda by COB tomorrow.

Walter

From: Ryan, Emily M [<mailto:RyanE@gao.gov>]

Sent: Thursday, October 01, 2015 2:33 PM

To: Mugdan, Walter

Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E

Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Hi Walter,

Thanks for the update. We appreciate your flexibility in holding two tours. I've included response to your questions in the email below (see bold text). With regard to scheduling, we will be arriving in NYC Monday night so we can take advantage of being available Tuesday morning.

Thanks again,
Emily

From: Mugdan, Walter [<mailto:Mugdan.Walter@epa.gov>]

Sent: Wednesday, September 30, 2015 6:47 PM

To: Ryan, Emily M

Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E

Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Hi Emily,

After further discussion, we've concluded that (a) it will be too cumbersome and perhaps unproductive to try to combine the GAO tour with that of the Vietnamese delegation, and (b) we can easily manage the logistics for both tours on a separate basis.

Meanwhile, I've scheduled a meeting with our Gowanus and Passaic teams for next Tuesday, when we will work to figure out the optimum scheduling for the various meetings and visits you have in mind. Here are a few initial issues and questions:

- Unfortunately, we will not be able to arrange the proposed "kick-off" meeting with regional leadership on October 20. That day we have an all-day senior leadership retreat that has been scheduled months ago. The Regional Administrator, Deputy RA, Chief of Staff, and all Division Directors and Deputies will be at this retreat. We'll have to have the leadership meeting on one of the other days – probably the 21st. Incidentally, can you let me know what level of leadership you would like to meet with? For the Superfund program, the "hierarchy" runs from Regional Administrator to the Deputy RA and Chief of Staff, to me, and then to my Deputy and my Branch Chiefs.

We are fine with having the leadership meeting on one of the other days of the visit. For the leadership meeting, it would be preferred if either the Deputy RA or Chief of Staff could attend, as well as yourself and your Deputy. If there are Branch Chiefs that are involved in issues related to contaminated sediment we are happy to have them participate as well, though we will leave that decision up to you.

- With respect to the meetings with the RPMs for these sites: would you prefer to have those meetings in our office, or have them in conjunction with the site tours? The same question applies to the meetings with the Community Involvement Coordinators for both sites; they, too, are likely to be on the site tours.

We would prefer to have the meeting with the RPMs separate from the tour, though we are flexible on the location of these meetings (if there is a place that we can sit down and talk more formally at or near the sites). We would prefer the same for the meetings with the Community Involvement Coordinators, and we are glad that they can participate in the tours.

- With respect to the PRP group representatives: The Gowanus Canal has two major PRPs, National Grid and the City of New York. There are a number of other PRPs who have contributed funding to National Grid, which is taking the lead in the canal cleanup. The City has also contributed to National Grid's work, but is also in charge of a considerable amount of the work on its own (without National Grid or other PRPs). There is not really a PRP group as such. We would suggest it might make most sense for you to speak with someone from National Grid; let me know if that is acceptable.

Yes, talking to a representative from National Grid seems appropriate.

- The Passaic River has two groups -- the "Cooperating Parties Group" or CPG, with about 65+ members; and the Tierra/Maxus/Occidental group or "TMO," consisting of three companies that are closely aligned. The two groups were formerly one, but had a "divorce" several years ago. TMO is arguably the primary PRP – the TMO

group is the inheritor of the legal liability for the former Diamond Alkali facility that discharged most of the dioxin. TMO carried out the "Phase 1" Removal Action in 2012. The CPG group is the lead for the ongoing 17-mile RI/FS work, and has arguably been more vocal than even TMO about expressing concerns over the direction EPA has been heading. You indicated you wanted to speak with a representative of the CPG, but I wanted to make sure you understood the dynamics. Let me know if you have any reason to change your request and prefer to speak with a TMO representative.

Based on your description, we think that it makes sense for us to speak with both a CPG Representative and a TMO Representative. Also, if the representatives from these groups are not located in the New York City area we could instead arrange separate meetings with them by phone before or after the site visit to ease scheduling.

Walter

From: Ryan, Emily M [<mailto:RyanE@gao.gov>]
Sent: Wednesday, September 30, 2015 3:14 PM
To: Mugdan, Walter
Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Hi Walter,

Thanks for the corrected information—that makes a lot more sense. We are conferring with our management as to whether that will be okay under our GAO processes and engagement needs, but a few questions in the meantime:

- What is the purpose of the tour of the Diamond Alkali Superfund site with the Vietnamese delegation, and what are some of the key elements/logistics planned for that tour (if that information is available)?
- Does the tour plan to address issues related to contaminated sediment?
- Approximately how many people will be on the tour from the Vietnamese delegation? We will have either 3 or 4 people coming on our site visit from GAO.

Thanks,
Emily

From: Mugdan, Walter [<mailto:Mugdan.Walter@epa.gov>]
Sent: Wednesday, September 30, 2015 1:48 PM
To: Ryan, Emily M
Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

My apologies – the Vietnamese delegation is here on OCTOBER 22 – *not* October 11 or 12. (I transcribed the date incorrectly from an email I received from a colleague.)

Given the corrected date, would a tour at the same time as the Vietnamese delegation be acceptable to you?

From: Ryan, Emily M [<mailto:RyanE@gao.gov>]
Sent: Wednesday, September 30, 2015 1:35 PM
To: Mugdan, Walter
Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Hi Walter,

Thanks for sharing the information about the Vietnamese delegation—sounds very interesting and relevant. However, we are generally not able to conduct site visits on weekends or federal holidays, and I see that October 11 is on a Sunday and Monday, October 12 is a federal holiday. We understand the time and effort that is needed to plan two site visits at once, so please let us know if there is anything we can do to better facilitate a site visit on the 20th-22nd. Please feel free to give me (202-512-8554) or Greg Carroll (202-512-3720) a call if you have additional questions or concerns.

Sincerely,
Emily

From: Mugdan, Walter [<mailto:Mugdan.Walter@epa.gov>]
Sent: Wednesday, September 30, 2015 11:56 AM
To: Ryan, Emily M
Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E
Subject: RE: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Dear Emily,

Thanks for your note. I am sure we will be able to accommodate your schedule and your suggested visits and meetings. It will probably take us a few days to work with the various team members before we can get back to you with final confirmation. We'll be back to you shortly.

By coincidence, a delegation from Vietnam is scheduled to visit the Diamond Alkali Superfund site on October 11. As you know, the Passaic River is an Operable Unit of that site, which is situated on the bank of the river in Newark, New Jersey. The former Diamond Alkali factory made Agent Orange during the Vietnam War era, and was the source of much of the dioxin in the river. We are wondering whether you might be interested to join this site tour that is already in the planning stages? We would, of course, have additional staff to work with you and answer your questions, beyond the staff who will be working with the Vietnamese delegation. Nevertheless, there would be a logistical benefit to combining these visits, because of the coordination and personnel needed.

Walter

From: Ryan, Emily M [<mailto:RyanE@gao.gov>]
Sent: Wednesday, September 30, 2015 9:51 AM
To: Mugdan, Walter
Cc: DeHart, Nicole; Carroll, Gregory P; Frisch, Janet E
Subject: GAO Study of Superfund Sediment Sites - Region 2 Site Visit

Dear Walter,

Thank you again to you and your colleagues for meeting with us recently to discuss the Region's approach to Superfund sediment sites. We found the discussion to be very informative. As discussed during the call, we would like to conduct a site visit at two sediment sites in the Region, and have determined that the Lower Passaic and Gowanus Canal sites would best fit our methodology for this study. We would like to hold this visit from October 20-October 22 (mid-day), and hope that these dates also work for the Region.

During this visit, we would like to hold the following meetings:

- Meeting with Regional Leadership to discuss both sites (would be nice to have as a "kick-off" meeting on 20th, if leadership is available)
- Meeting with Lower Passaic RPM
- Meeting with Lower Passaic Cooperating Parties Group representative
- Meeting with Lower Passaic community involvement coordinator
- Meeting with Gowanus Canal RPM
- Meeting with Gowanus Canal PRP group representative

- Meeting with Gowanus Canal community involvement coordinator

We would also like to have a tour of both sites, though we recognize that there might not be much to “see”. However, we think it would be helpful for us to view a section or sections of the sites to understand the rationale behind some of the remedy selection decisions and challenges EPA faces in managing these sites. We would be happy to help in the development of a schedule for a site visit to the extent that the Region would like our assistance, such as by scheduling the meetings with the PRP groups and community involvement coordinator. If the Region would prefer for us to schedule some of these meetings, we would appreciate you sending us the relevant contact information for these parties. If time permits, we would like to schedule about 90 minutes for each of the above meetings.

In light of our interest in the Lower Passaic and Gowanus Canal sites, at this time we would also like to request some documents related to these sites:

- For both sites we would like copies of the “Consideration Memos” submitted to the CSTAG on how the sites have addressed the 11 Principles for Managing Contaminated Sediment Risks.
- For the Lower Passaic site, we would like a copy of any comments the Region has received on the Proposed Plan from OSRTI. In addition, we have a copy of the comments on the Proposed Plan from NRRB and CSTAG dated April 11, 2014, and the Region’s response to this memo also dated April 11, 2014, but if there have been additional communications between these groups and the Region we would also like to request those documents.
- For the Gowanus Canal, we would also like to request a copy of any comments the Region received on the 2012 Proposed Plan from OSRTI. In addition, we have a copy of the comments on the Proposed Plan from NRRB and CSTAG dated November 28, 2012, and the Region’s response to this memo dated December 28, 2012, but if there had been any additional communications between these groups and the Region we would also like to request those documents.

If you think there are any other documents you think we should review for these two sites in advance of our visit, related to how the Region implemented EPA’s policies, procedures, and guidance for sites, and how EPA entities have coordinated their review of the remedy selection for these sites, we would be happy to receive them, or web links to them.

We thank you and your staff in advance for your assistance with this request. If it would be helpful to schedule a quick meeting to discuss the site visit, I’d be happy to arrange something this week. Please let me know if you have any other questions.

Sincerely,
Emily

Emily M. Ryan
Senior Analyst, Natural Resources and Environment
US Government Accountability Office
(202) 512-8554
ryane@gao.gov